

Officer:

AUSA: Kathryn Boyles

Hector Rivera

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UNITED STATES DISTRICT COURT
 for the
Eastern District of Michigan

United States of America

v.

Cesar Moctezuma GUTIERREZ-NUNEZ

Case No. Case: 2:25-mj-30052
 Judge: Unassigned,
 Filed: 02-10-2025
 CMP USA V. CESAR MOCTEZUMA
 GUTIERREZ-NUNEZ (DA)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 4, 2025 in the county of Isabella in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 8, United States Code, Section 1326(a)	Unlawful Reentry Following Removal

This criminal complaint is based on these facts:

On or about February 4, 2025, in the Eastern District of Michigan, Southern Division, Cesar Moctezuma GUTIERREZ-NUNEZ, an alien who had previously been removed from the United States on or about October 15, 2024, was thereafter found in the United States without having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

Continued on the attached sheet.

Complainant's signature

Hector Rivera, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: February 10, 2025

City and state: Detroit, MI

Judge's signature

Elizabeth Stafford, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Hector Rivera, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) of the United States Department of Homeland Security (DHS) at the Detroit Field Office. I have been employed in this capacity since February 2007. I am currently assigned to the Detroit ICE-ERO Fugitive Operations team.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and an arrest warrant for Cesar Moctezuma GUTIERREZ-NUNEZ, an alien who has previously been removed from the United States on or about October 15, 2024, at or near the Paso Del Norte, Texas, and was thereafter found in the United States on or about February 4, 2025, without having obtained the express consent or permission of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission, all in violation of Title 8, United States Code, Section 1326(a).
3. The information contained in this affidavit is based upon my personal knowledge and observations, information provided by other law enforcement personnel to include ICE ERO Deportation Officers, and database record checks. I have also reviewed electronic records and system automated data relating to GUTIERREZ-NUNEZ. I have not included every fact known to law enforcement related to this investigation.
4. GUTIERREZ-NUNEZ is a thirty-four-year-old native and citizen of Mexico who last entered the United States on an unknown date, at an unknown place, without being inspected and admitted or paroled by an immigration officer.
5. On October 15, 2024, the United States Border Patrol (USBP) encountered GUTIERREZ-NUNEZ at or near Santa Teresa, New Mexico and served him with a Form I-860, Notice of Expedited Removal. On October 15, 2024, USBP removed GUTIERREZ-NUNEZ to Mexico via the Paso Del Norte, Texas port-of-entry.
6. On February 4, 2025, ICE Officers on the ICE-ERO Fugitive Operations Team traveled to the area of East High Street and St. Thomas Street in Mt Pleasant,

Michigan in search of an undocumented alien. At approximately 11:00 a.m., ICE Officers conducted a knock-and-talk at the residence where the undocumented alien was believed to reside and announced themselves as ICE Officers. The targeted individual answered the door and gave consent for the ICE Officers to enter the residence. Also present in the home was another Mexican national and GUTIERREZ-NUNEZ. All three individuals claimed to be citizens and nationals of Mexico establishing probable cause to arrest all three persons as they are not in possession of valid immigration documents allowing them to remain in the United States legally. ICE placed all three individuals under arrest and transported them to the Detroit Field Office for processing.

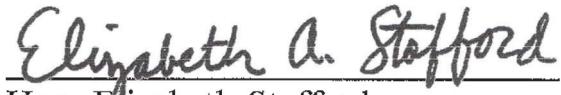
7. The arrest and subsequent detention of GUTIERREZ-NUNEZ was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
8. GUTIERREZ-NUNEZ's fingerprints and photograph were captured and searched in the ICE/FBI systems. The fingerprints returned with a positive match for Cesar Moctezuma GUTIERREZ-NUNEZ, a native and citizen of Mexico who had previously been removed from the United States.
9. A review of GUTIERREZ-NUNEZ's record checks, and queries in the U.S. Department of Homeland Security databases confirmed that GUTIERREZ-NUNEZ did not obtain the permission or express consent from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal on October 15, 2024.
10. On February 4, 2025, ICE-ERO served GUTIERREZ-NUNEZ with Form I-871, Notice of Intent/Decision to Reinstate Prior Order.
11. Based on the above information, I believe there is probable cause to conclude that Cesar Moctezuma GUTIERREZ-NUNEZ is an alien who has previously removed from the United States on or about October 15, 2024, at or near Paso Del Norte, Texas, and was thereafter found in the United States on or about February 4, 2025, in the Eastern District of Michigan, without first having obtained the express consent or permission of the Attorney General or the

Secretary of the Department of Homeland Security to reapply for admission to the United States, all in violation of Title 8, United States Code, Section 1326(a).



Hector Rivera, Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me and signed in my presence and/or by reliable electronic means.



Hon. Elizabeth Stafford
United States Magistrate Judge